

United States District Court
For The District of Rhode Island

FILED

Richard Paiva

2019 APR -2 A 10: 54

V.

U.S. DISTRICT COURT
DISTRICT OF RHODE ISLAND
C.A. NO.: 17-014-JJM

R.I. Dept. of Corrections

Second Amendment / Supplement To Plaintiff's
First Amended Motion For Further Relief;
Motion For Contempt

Now comes the plaintiff, Richard Paiva, and hereby moves this Honorable Court to amend / supplement, for the last time, the claims and relief requested in his first amended / supplemental Motion For Further Relief; Motion For Contempt; as follows:

Between January 24, 2014 and January 8, 2018, plaintiff was brought before a single person disciplinary hearing, on multiple occasions, and convicted of twenty-one (21) infractions, in direct violation of his right to be heard by a three (3) member board pursuant to the "Morris Rules". See Exhibit 1, pages 1-4.

Relief Requested

K. Enter a declaration declaring that the R.I. Dept. of Corrections violated the plaintiff's rights under the "Morris Rules", when the plaintiff was convicted of twenty-one (21) separate disciplinary infractions between January 24, 2014 and January 9, 2018, by a single hearing officer, and not by a three (3) member board as is required/mandated by the "Morris Rules".

L. Order further relief in this matter by vacating and expunging the twenty-one (21) disciplinary convictions from his institutional record, identified and described in Exhibit 1 herewith.

Respectfully Submitted,

Richard Paiva

Richard Paiva, pro se
ACI-High Security
P.O. Box 8200
Cranston, RI 02920

(2)

Certification

I hereby certify that I sent a true copy of the within, on this 28th day of March, 2019, to the following:

Michael Grant, Esq.
40 Howard Avenue
Cranston, RI
02920

Richard Paiva
Richard Paiva,
pro se

EXHIBIT 1

DISP006.rpt

R.I. DEPARTMENT OF CORRECTIONS

DATE: 12/31/2018

INMATE DISCIPLINE HISTORY REPORT

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ID: 086429 RICHARD L PAIVA

HS LOC: A A16B

D.O.B. 10/10/1972

LGT	BOOK--DATE-- FINDING INFRACTION(S)	FIND--DATE	-----INMATE APPEAL----- BOARD ACTION	--SEVERITY CODES--
	01/23/2014 GUILTY Making Verbal Threats (General threatening stateme	01/24/2014 YES	DISMISSE 01/28/2014	HIGH
0	03/09/2014 GUILTY Swearing, Cursing, Using any Vulgar, Abusive, Inso	03/11/2014 YES	DENIED 03/19/2014 20 DAYS DISCIPLINARY CONFINEMENT 20 DAYS LOSS OF GOOD TIME	HIGH
0	07/24/2014 GUILTY Hoarding Medication	07/25/2014 YES	APPROVED 07/31/2014 23 DAYS DISCIPLINARY CONFINEMENT 30 DAYS LOSS OF VISITS 23 DAYS LOSS OF GOOD TIME	HIGHEST (NON-PREDATOR)
0	07/24/2014 GUILTY POSSESSING Category 1 Contraband	07/25/2014 YES	APPROVED 07/31/2014 20 DAYS DISCIPLINARY CONFINEMENT 20 DAYS LOSS OF GOOD TIME	HIGH
0	01/29/2015 GUILTY Failing to Comply with Mail Procedures	01/30/2015 YES	DENIED 02/03/2015 20 DAYS DISCIPLINARY CONFINEMENT 20 DAYS LOSS OF GOOD TIME	HIGH
0	01/28/2015 GUILTY Possessing Another Inmate's Legal Material	01/30/2015 YES	DENIED 02/03/2015 10 DAYS LOSS OF PRIVILEGES 10 DAYS LOSS OF GOOD TIME	MODERATE
	09/22/2015 GUILTY Disobeying a Lawful Order Not Pertaining to Custod	09/25/2015 YES	DENIED 10/05/2015 0 DAYS LOSS OF JOB	MODERATE

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LGT	BOOK--DATE FINDING INFRACTION(S)	FIND--DATE	-----INMATE APPEAL----- BOARD ACTION	--SEVERITY CODES--
	12/04/2015 GUILTY Fighting (inmate on inmate) that did not involve s	12/08/2015 YES DISMISSE	12/08/2015	HIGHEST (NON-PREDATOR)
	12/04/2015 GUILTY Assault on an inmate that did not involve serious	12/11/2015 YES DENIED	12/16/2015 45 DAYS DISCIPLINARY CONFINEMENT 45 DAYS LOSS OF GOOD TIME	HIGHEST (PREDATORY)
0	05/05/2016 GUILTY Disobeying housing unit/area/behavior rules	05/13/2016 YES DISMISSE	05/18/2016	HIGH
	05/16/2016 GUILTY Disobeying a Clearly Stated Order in a Manner that	05/26/2016 YES DISMISSE	06/01/2016	HIGHEST (NON-PREDATOR)
	05/19/2016 GUILTY Assault on an inmate that did not involve serious	05/26/2016 YES APPROVED	06/01/2016 60 DAYS DISCIPLINARY CONFINEMENT 60 DAYS LOSS OF GOOD TIME	HIGHEST (PREDATORY)
0	07/09/2016 GUILTY Disobeying a Lawful Order Pertaining to Custody an	07/12/2016 NO		HIGH 2 DAYS DISCIPLINARY CONFINEMENT 2 DAYS LOSS OF GOOD TIME
	11/22/2016 GUILTY PASSING Category 2 Contraband (NOTE: Category 2 Co	11/29/2016 NO		MODERATE 5 DAYS LOSS OF PRIVILEGES 5 DAYS LOSS OF GOOD TIME
0	01/19/2017 GUILTY Disobeying a Clearly Stated Order in a Manner that	01/31/2017 YES DENIED	02/02/2017	HIGHEST (NON-PREDATOR) 20 DAYS DISCIPLINARY CONFINEMENT 20 DAYS LOSS OF GOOD TIME
0				

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INMATE DISCIPLINE HISTORY REPORT

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LGT	BOOK--DATE	FINDING	FIND--DATE	-----INMATE	APPEAL-----	--SEVERITY CODES--
		INFRACTION(S)		BOARD ACTION		

0	05/13/2017	GUILTY	05/16/2017	YES	DENIED	05/22/2017	MODERATE
		RECEIVING Category 2 Contraband					

5 DAYS LOSS OF PRIVILEGES
5 DAYS LOSS OF GOOD TIME

0	05/23/2017	GUILTY	05/26/2017	YES	DENIED	06/05/2017	MODERATE
		Misusing Electronic Equipment and/or Computers and					

5 DAYS LOSS OF PRIVILEGES
5 DAYS LOSS OF GOOD TIME

0	06/20/2017	GUILTY	06/23/2017	YES	DENIED	07/03/2017	MODERATE
		POSSESSING Category 2 Contraband					

10 DAYS LOSS OF PRIVILEGES
10 DAYS LOSS OF GOOD TIME

0	09/21/2017	GUILTY	09/26/2017	YES	DENIED	09/29/2017	HIGH
		Possessing Unauthorized Currency Over Five Dollars					

20 DAYS DISCIPLINARY CONFINEMENT
20 DAYS LOSS OF GOOD TIME

0	10/27/2017	GUILTY	10/31/2017	NO			MODERATE
		POSSESSING Category 2 Contraband					

5 DAYS LOSS OF PRIVILEGES
5 DAYS LOSS OF GOOD TIME

0	10/27/2017	GUILTY	10/31/2017	YES	DENIED	11/10/2017	MODERATE
		Making any Fraudulent Request (i.e., check request					

10 DAYS LOSS OF PRIVILEGES
10 DAYS LOSS OF GOOD TIME

0	11/04/2017	GUILTY	11/24/2017	NO			MODERATE
		RECEIVING Category 2 Contraband					

7 DAYS LOSS OF PRIVILEGES
7 DAYS LOSS OF GOOD TIME

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LGT	BOOK--DATE FINDING INFRACTION(S)	FIND--DATE	-----INMATE APPEAL----- BOARD ACTION	--SEVERITY CODES--
0	01/08/2018 GUILTY Purposely misleading an investigation by RIDOC Ins	01/09/2018 YES DENIED	01/16/2018 30 DAYS DISCIPLINARY CONFINEMENT 30 DAYS LOSS OF GOOD TIME	HIGHEST (NON-PREDATOR)
0	01/08/2018 GUILTY Threatening an Employee or His/Her Family with Bod	01/09/2018 YES DENIED	01/19/2018 30 DAYS DISCIPLINARY CONFINEMENT 30 DAYS LOSS OF GOOD TIME	HIGHEST (NON-PREDATOR)

TOTAL BOOKINGS THIS INMATE:

46

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U.S. District Court
One Exchange Terrace
Providence, RI
02903

02903-177593

